

8-13-04

2814  
Bh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Zagoskin

Serial No. 09/452,749  
Filed: December 1, 1999

For: Permanent Readout Superconducting Qubit

) Confirmation No.: 1708  
)  
)

) Art Unit: 2814  
)

) Examiner:  
) Douglas A. Wille

) Attorney Docket:  
) 706700-999101  
) (formerly 11090-003-999)

**TERMINAL DISCLAIMER**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

D-Wave Systems, Inc., represents that it is the assignee of the entire 100% right, title and interest in and to United States Patent 6,459,097 by virtue of an assignment recorded on January 7, 2000, on Reel 010501 at Frame 0781.

D-Wave Systems, Inc., hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of United States Patent 6,459,097 and hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent 6,459,097.

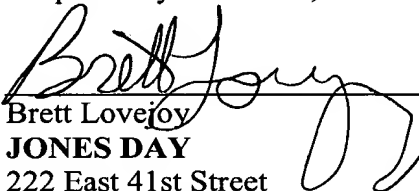
D-Wave Systems, Inc., further agrees that this agreement is to run with any patent granted on the instant application and is to be binding upon the grantee, its successors, and assigns.

D-Wave Systems, Inc., does not disclaim any terminal part of any patent granted on the instant application prior to the expiration date of the full statutory term of United States Patent 6,459,097 in the event that said patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned authorized representative of D-Wave Systems, Inc., has reviewed the evidentiary documents in the chain of title of the present application identified above, and certifies that, to the best of the owner's knowledge and belief, title is in D-Wave Systems, Inc., and the undersigned is empowered to act on behalf of and as representative of D-Wave Systems, Inc.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that all statements made by me herein are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: August 11, 2004

Respectfully submitted,  
By:  42,813  
Brett Lovejoy (Reg. No.)  
**JONES DAY**  
222 East 41st Street  
New York, New York 10017-6702  
Phone: (415) 875-5744